

No. 13-19-00379-CV

IN THE THIRTEENTH COURT OF APPEALS
FILED IN
13th COURT OF APPEALS
CORPUS CHRISTI/EDINBURG, TEXAS

7/28/2020 8:00:00 AM

KATHY S. MILLS
Clerk

VALSTAY, LLC,

Appellant,

vs.

TEXAS WINDSTORM INSURANCE ASSOCIATION,

Appellee.

Appeal from the 28th District Court of
Nueces County, Texas, Cause No. 2017DCV-4203-A

**SECOND UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE APPELLEE'S BRIEF**

David P. Salyer
State Bar No. 17549680
dpsalyer@mapalaw.com

MCLEOD, ALEXANDER, POWEL & APFFEL, P.C.
802 Rosenberg, P.O. Box 629
Galveston, Texas 77034
Tel. No. (409) 763-2481
Fax No. (409) 762-1155

J. Stephen Barrick
State Bar No. 00796168
sbarrick@hicks-thomas.com

James R. Old, Jr.
State Bar No. 15242500
jold@hicks-thomas.com

HICKS THOMAS LLP
700 Louisiana Street, Suite 2300
Houston, Texas 77002
Tel. No. (713) 547-9100
Fax No. (713) 547-9150

Attorneys for Appellee Texas Windstorm Insurance Association

TO THE HONORABLE COURT OF APPEALS:

Appellee Texas Windstorm Insurance Association files this second unopposed motion for extension of time to file its appellee's brief and respectfully states the following:

1. This is an appeal of a final judgment following a jury trial.
2. Appellant filed its opening brief on May 26, 2020 after obtaining three extensions of time. Appellee did not oppose Appellant's requests.
3. Appellee's brief was initially due on June 25, 2020. Appellee moved for a 30-day continuance of that deadline and this Court granted Appellee's motion, extending the due date to July 27, 2020.
4. Appellee respectfully requests a 30-day extension of time, until August 25, 2020, to file its responsive brief. This extension is needed because the undersigned counsel for Appellee, who is responsible for drafting Appellee's brief, is helping manage and respond to dozens of COVID-19-related lawsuits for a national retailer in numerous states around the country and has had insufficient time to complete Appellee's brief by the current deadline. Counsel believes it can complete and file Appellee's brief by August 25, 2020.
5. Appellee previously requested and received a 30-day extension of time for file its brief in this appeal.
6. The parties have conferred and this motion is unopposed.

PRAYER

Appellee Texas Windstorm Insurance Association respectfully requests that this motion be granted, and that the deadline for Appellee to file its brief be extended until August 25, 2020.

Respectfully submitted,

/s/ J. Stephen Barrick

J. Stephen Barrick
State Bar No. 00796168
sbarrick@hicks-thomas.com

James R. Old, Jr.
State Bar No. 15242500
jold@hicks-thomas.com

HICKS THOMAS LLP
700 Louisiana Street, Suite 2300
Houston, Texas 77002
(713) 547-9100 | (713) 547-9150 (Fax)

David P. Salyer
State Bar No. 17549680
dpsalyer@mapalaw.com

MCLEOD ALEXANDER POWEL & APFFEL P.C.
802 Rosenberg, P.O. Box 629
Galveston, Texas 75034
(409) 763-2481 | (409) 762-1155 (Fax)

**ATTORNEYS FOR APPELLEE
TEXAS WINDSTORM INSURANCE
ASSOCIATION**

CERTIFICATE OF CONFERENCE

Counsel for Appellee conferred with counsel for Appellant and Appellant is unopposed to the extension requested in this motion.

/s/ J. Stephen Barrick

CERTIFICATE OF SERVICE

I certify that on July 27, 2020, a copy of this document was served upon the following counsel of record via electronic service:

Cassandra Pruski
Todd Lipscomb
LOREE & LIPSCOMB LLP
777 E. Sonterra Blvd., Suite 320
San Antonio, Texas 78258
cassie@lhllawfirm.com
todd@lhllawfirm.com
Counsel for Appellant

/s/ J. Stephen Barrick

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Lisa Redetzke on behalf of Stephen Barrick
Bar No. 796168
lredetzke@hicks-thomas.com
Envelope ID: 44836582
Status as of 07/28/2020 08:10:50 AM -05:00

Associated Case Party: Valstay, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Todd Lipscomb		todd@lhllawfirm.com	7/27/2020 9:34:22 AM	SENT
Daniel Dominguez		daniel@lhllawfirm.com	7/27/2020 9:34:22 AM	SENT

Associated Case Party: Texas Windstorm Insurance Association

Name	BarNumber	Email	TimestampSubmitted	Status
Jay Old		tmadden@hicks-thomas.com	7/27/2020 9:34:22 AM	SENT
Jay Old		jbaker@hicks-thomas.com	7/27/2020 9:34:22 AM	SENT
Jay Old		sdodson@hicks-thomas.com	7/27/2020 9:34:22 AM	SENT
Jay Old		gdenson@hicks-thomas.com	7/27/2020 9:34:22 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Stephen Barrick		sbarrick@hicks-thomas.com	7/27/2020 9:34:22 AM	SENT
Jay Old		jold@hicks-thomas.com	7/27/2020 9:34:22 AM	SENT
Cassie Pruski		cassie@lhllawfirm.com	7/27/2020 9:34:22 AM	SENT
David Salyer		dpsalyer@mapalaw.com	7/27/2020 9:34:22 AM	SENT